

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 22, 1967

Appeal No. 9428 Vera B. Emery, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on November 30, 1967.

EFFECTIVE DATE OF ORDER -- Jan. 12, 1968

ORDERED:

That the appeal for permission to change a nonconforming drive-in frozen custard stand to automobile sales of used cars at 1716 Rhode Island Avenue, NE., lots 7-9 inclusive, square 4134, be conditionally granted.

FINDINGS OF FACT:

- (1) The subject property is located in a C-1 District.
- (2) The frozen custard stand use is a legal nonconforming use conducted under Certificate of Occupancy No. 60282 issued by the District of Columbia, on March 16, 1938.
- (3) The frozen custard stand is a Class II nonconforming use which is permitted in the C-2 zoning district.
- (4) Used car sales is a C-2 use.
- (5) On lots 4,5, and 6, the immediate adjacent property, the Roper Motor Company conducts a used car lot under Certificate of Occupancy No. B36633 issued August 7, 1962. The owners of this used car lot business intent to lease the subject property for expansion of their business.
- (6) There are many C-2 commercial uses in the immediate vicinity of the subject property.
- (7) The custard stand on the subject premises operates from 9 am to 11 p.m. during the winter months. The lot is paved and is improved with the custard stand itself.

(8) The automobile sales business will be conducted on the subject property from approximately 10 a.m. to 7:30 p.m., on weekdays, 10 a.m. to 4 p.m. on Saturdays and will be closed on Sundays. It is proposed to use the custard stand building for the sales office in connection with the automobile sales business.

(9) All lights installed will have their rays directed on the lot and any signs erected will be in keeping with the neighborhood.

(10) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

The Board is of the opinion that the granting of this appeal for a change of nonconforming use is in accordance with the provisions of Section 7109 of the Zoning Regulations having to do with changes in a nonconforming use. Further, it is the judgement of the Board that the change will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps.

This Order shall be subject to the following condition:

No neon, electric or gas tube displays shall be located on the outside of the building nor shall any such displays, if placed inside the building, be visible from the outside.